CLAIM REJECTION - 35 U.S.C. §103

The rejection of claims 1-4, 6-7, 10-11, and 13-14 under 35 U.S.C. §103 over Pollin in view Rowney is respectfully traversed.

The Applicant respectfully traverses the Examiners characterization of Pollin. The present invention provides a method of shopping on the Internet using check payment. Pollin, in contrast, is a system for debt collectors and for this reason fails to teach at least six claimed elements of the present invention:

(1) In Pollin, there is no" merchant computer" according to the ordinary meaning of those words. The computer described in Pollin is for a debt collector collecting on bad debt, not for the sale of goods to customers. If the Examiner is proposing that the debt collector is a merchant, the product and customer should be clearly identified. In any case, the Examiner cannot use the debt collector's computer to also satisfy claim elements of the "processor computer" as the Examiner is currently doing.

(2) In Pollin, there is no "Internet site listing products" according to the ordinary meaning of those words. Pollin clearly indicates that the debt collector is working for a merchant who is using mail or voice telephone ordering. Thus, the actual merchant is expressly not using an "Internet site listing products". If mail or telephone orders are being taken, prior art manual check verification would be used, teaching away from the present invention.

(3) In Pollin, there is no "direct payment" option for Internet purchases according to the ordinary meaning of those words. Pollin indicates only that a human operator may, via the telephone, instruct a debtor, who is not making a purchase, that unpaid debt may be satisfied by check.

(4) In Pollin, there is no "customer computer" according to the ordinary meaning of those words. Pollin teaches away from a customer computer by describing the debt collection process in which direct telephone calls are used to contact implicitly reluctant debtors.

(5) In Pollin, there is no transmitting on the Internet to "identify products" for purchase or to provide a "unique customer identifier" according to the ordinary meaning

of those words. Pollin provides no basis for on-line ordering and the automatic transfer of data between the three computers contemplated by the present invention.

(6) In Pollin, there is no "processor computer...transmitting to the merchant computer an authorization indication indicating whether check payment for the product should be accepted" according to the ordinary meaning of those words. In Pollin, the product has already been delivered and the bill is unpaid. It is too late for authorization. Pollin teaches away from the need for purchase authorization.

Applicant agrees that Pollin does not describe "on-line ordering". The network technologies of col. 14 cited by the Examiner are expressly not for communication with a customer (per on-line ordering) but for communication between two computers providing debt processing check printing and data entry.

There is no teaching suggestion in the art for the combination of Rowney and Pollin now proposed by the Examiner. To the contrary, a statistical database indicating likelihood of a check being honored, as is used in Pollin, would not be necessary if there existed the ability to contact the payor bank to get a credit ranking as is expressly taught by Rowney. See column 141, lines 40-55. The combination proposed by the Examiner defies the teachings of both patents being combined.

There is no teaching suggestion for the particular combination of portions of Pollin and Rowney that have been selected by the Examiner. The combination of Pollin and Rowney logically would produce a debt collection system not an on-line ordering system because that is Pollin's express goal. The Examiner is requested to point to particular teachings in this or other prior art for selecting this out of many possible combination of the elements of these references.

Applicant has addressed the other shortcomings of Rowney in previous responses to the Office, and those observations are incorporated herein. Applicant's position is that Rowney simply does not teach the processing of conventional paper checks and thus that Rowney is no more relevant than any other example of Internet commerce at the time of Pollin, of which there are many. For example, Amazon.com opened in 1995 nearly two years before the filing of Pollin.

Even so, despite <u>Rowney</u>, and Amazon.com and many other well-known examples of on-line commerce at the time of <u>Pollin</u>, neither <u>Pollin</u> nor <u>Rowney</u> nor any on-line merchant, nor any other single prior art reference found by the Examiner or by the Applicant, in repeated searches, reveals the simple technique of the present invention that allows use of paper checks for on-line commerce. The clear implication is that one of ordinary skill in the art at the time of filing of this application did not and would not have recognized the modifications to <u>Pollin</u> now being suggested by the Examiner.

The Applicant has added a new claim 16 indicating that the steps of the present invention must be "substantially contemporaneous" as is consistent with the description and specification of the present invention. It is believed that this claim further distinguishes the invention from <u>Pollin</u>, which contemplates a system that works many days or months after the actual purchase.

Applicant believes the limitations of the claims distinguish the present invention from these references and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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16. (New) The check transport system of claim 1 wherein the processor computer transmits the authorization indication contemporaneously with the selection of the check payment option.